

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994
SUBPART 1
GENERAL AND DEFINITIONS

324.11501 Meanings of words and phrases.

Sec. 11501.

For purposes of this part, the words and phrases defined in sections 11502 to 11506 have the meanings ascribed to them in those sections.

History: 1994, Act 451, Eff. Mar. 30, 1995

Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99903 of the Michigan Compiled Laws.

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Solid Waste Act

324.11502 Definitions; A to C.

Sec. 11502.

(1) "Agreement" means a written contract.

(2) "Agronomic rate" means a rate that meets both of the following requirements:

(a) Is generally recognized by the agricultural community or is calculated for a particular area of land to improve the physical nature of soil, such as structure, tilth, water retention, pH, or porosity, or to provide macronutrients or micronutrients in an amount not materially in excess of that needed by the crop, forest, or vegetation grown on the land.

(b) Takes into account and minimizes runoff of beneficial use by-products to surface water or neighboring properties, the percolation of excess nutrients beyond the root zone, and the liberation of metals from the soil into groundwater.

(3) "Anaerobic digester" means a facility that uses microorganisms to break down biodegradable material in the absence of oxygen, producing methane and an organic product.

(4) "Animal bedding" means a mixture of manure and wood chips, sawdust, shredded paper or cardboard, hay, straw, or other similar fibrous materials normally used for bedding animals.

(5) "Ashes" means the residue from the burning of wood, scrap wood, tires, biomass, wastewater sludge, fossil fuels including coal or coke, or other combustible materials.

(6) "Benchmark recycling standards" means all of the following requirements:

(a) By January 1, 2026, at least 90% of single-family dwellings in urban areas as identified by the most recent federal decennial census and, by January 1, 2028, at least 90% of single-family dwellings in municipalities with more than 5,000 residents have access to curbside recycling that meets all of the following criteria:

(i) One or more recyclable materials, as determined by the county's material management plan, that are typically collected through curbside recycling programs, are collected at least twice per month.

(ii) If recyclable materials are not collected separately, the mixed load is delivered to a solid waste processing and transfer facility and the recyclable materials are separated from material to be sent to a solid waste disposal area.

(iii) Recyclable materials collected are delivered to a materials recovery facility that complies with part 115 or are managed appropriately at an out-of-state recycling facility.

(iv) The curbside recycling is provided by the municipality or the resident has access to curbside recycling by the resident's chosen hauler.

(b) By January 1, 2032, the following additional criteria:

(i) In counties with a population of less than 100,000, there is at least 1 drop-off location for each 10,000 residents without access to curbside recycling at their dwelling, and the drop-off location is available at least 24 hours per month.

(ii) In counties with a population of 100,000 or more, there is at least 1 drop-off location for each 50,000 residents without access to curbside recycling at their dwelling, and the drop-off location is available at least 24

hours per month.

(7) "Beneficial use 1" means use as aggregate, road material, or building material that in ultimate use is or will be bonded or encapsulated by cement, limes, or asphalt.

(8) "Beneficial use 2" means use as any of the following:

(a) Construction fill at nonresidential property that meets all of the following requirements:

(i) Is placed at least 4 feet above the seasonal groundwater table.

(ii) Does not come into contact with a surface water body.

(iii) Is covered by concrete, asphalt pavement, or other material approved by the department.

(iv) Does not exceed 4 feet in thickness, except for areas where exceedances are incidental to variations in the existing topography. This subparagraph does not apply to construction fill placed underneath a building or other structure.

(b) Road base or soil stabilizer that does not exceed 4 feet in thickness except for areas where exceedances are incidental to variations in existing topography, is placed at least 4 feet above the seasonal groundwater table, does not come into contact with a surface water body, and is covered by concrete, asphalt pavement, or other material approved by the department.

(c) Road shoulder material that does not exceed 4 feet in thickness except for areas where exceedances are incidental to variations in existing topography, is placed at least 4 feet above the seasonal groundwater table, does not come into contact with a surface water body, is sloped, and is covered by asphalt pavement, concrete, 6 inches of gravel, or other material approved by the department.

(9) "Beneficial use 3" means applied to land as a fertilizer or soil conditioner under part 85 or a liming material under 1955 PA 162, MCL 290.531 to 290.538, if all of the following requirements are met:

(a) The material is applied at an agronomic rate consistent with GAAMPS.

(b) The use, placement, or storage at the location of use does not do any of the following:

(i) Violate part 55 or create a nuisance.

(ii) Cause groundwater to no longer be fit for 1 or more protected uses as defined in R 323.2202 of the MAC.

(iii) Cause a violation of a part 31 surface water quality standard.

(10) "Beneficial use 4" means any of the following uses:

(a) To stabilize, neutralize, solidify, or otherwise treat waste for ultimate disposal at a facility licensed under this part or part 111.

(b) To treat wastewater, wastewater treatment sludge, or wastewater sludge in compliance with part 31 or the federal water pollution control act, 33 USC 1251 to 1388, at a private or publicly owned wastewater treatment plant.

(c) To stabilize, neutralize, solidify, cap, or otherwise remediate hazardous substances or contaminants as part of a response activity in compliance with part 201, part 213, or the comprehensive environmental response, compensation and liability act of 1980, 42 USC 9601 to 9657, or a corrective action in compliance with part 111 or the solid waste disposal act, 42 USC 6901 to 6992k.

(d) As construction material at a landfill licensed under this part.

(e) As alternate daily cover at a licensed landfill in compliance with an operational plan approved pursuant to R 299.4429 of the MAC.

(11) "Beneficial use 5" means blended with inert materials or with compost and used to manufacture soil.

(12) "Beneficial use by-product" means the following materials if the materials are stored for beneficial use or are used beneficially as specified and the requirements of section 11551(1) are met:

(a) Coal bottom ash or wood ash used for beneficial use 3 or wood ash or coal ash, except for segregated flue gas desulfurization material, used for beneficial use 1, 2, or 4.

(b) Pulp and paper mill ash used for beneficial use 1, 2, 3, or 4.

(c) Mixed wood ash used for beneficial use 1, 2, 3, or 4.

(d) Cement kiln dust used as a flue gas scrubbing reagent or for beneficial use 1, 2, 3, or 4.

(e) Lime kiln dust used as a flue gas scrubbing reagent or for beneficial use 1, 2, 3, or 4.

(f) Stamp sands used for beneficial use 1 or 2.

(g) Foundry sand from ferrous or aluminum foundries used for beneficial use 1, 2, 3, 4, or 5.

(h) Pulp and paper mill material, other than the following, used for beneficial use 3:

(i) Rejects, from screens, cleaners, and mills dispersion equipment, containing more than de minimis amounts of plastic.

(ii) Scrap paper.

(i) Spent media from sandblasting, with uncontaminated sand, newly manufactured, unpainted steel used for beneficial use 1 or 2.

(j) Dewatered concrete grinding slurry from public transportation agency road projects used for beneficial use 1, 2, 3, or 4.

(k) Lime softening residuals from the treatment and conditioning of water for domestic use or from a community water supply used for beneficial use 3 or 4.

(l) Soil washed or otherwise removed from sugar beets that is used for beneficial use 3.

- (m) Segregated flue gas desulfurization material used for beneficial use 1 or 3.
- (n) Materials and uses approved by the department under section 11553(3) or (4). Approval of materials and uses by the department under section 11553(3) or (4) does not require the use of those materials by any governmental entity or any other person.
- (13) "Beverage container" means an airtight metal, glass, paper, or plastic container, or a container composed of a combination of these materials, which, at the time of sale, contains 1 gallon or less of any of the following:
 - (a) A soft drink, soda water, carbonated natural or mineral water, or other nonalcoholic carbonated drink.
 - (b) A beer, ale, or other malt drink of whatever alcoholic content.
 - (c) A mixed wine drink or a mixed spirit drink.
- (14) "Biosolids" means a solid, semisolid, or liquid that has been treated to meet the requirements of R 323.2414 of the MAC. Biosolids include, but are not limited to, scum or solids removed in a primary, secondary, or advanced wastewater treatment process and a derivative of the removed scum or solids.
- (15) "Bond" means a financial instrument guaranteeing performance, including a surety bond from a surety company authorized to transact business in this state, a certificate of deposit, a cash bond, an irrevocable letter of credit, an insurance policy, a trust fund, an escrow account, or a combination of any of these instruments in favor of the department.
- (16) "Captive facility" means a landfill or coal ash impoundment that accepts for disposal, and accepted for disposal during the previous calendar year, only nonhazardous industrial waste generated only by the owner of the landfill or coal ash impoundment.
- (17) "Captive type III landfill" means a type III landfill that meets either of the following requirements:
 - (a) Accepts for disposal only nonhazardous industrial waste generated only by the owner of the landfill.
 - (b) Is a nonhazardous industrial waste landfill described in section 11525(4)(a), (b), or (c).
- (18) "Cement kiln dust" means particulate matter collected in air emission control devices serving Portland cement kilns.
- (19) "Certificate of deposit" means a certificate of deposit that meets all of the following requirements:
 - (a) Is negotiable.
 - (b) Is held by a bank or other financial institution regulated and examined by a state or federal agency.
 - (c) Is fully insured by an agency of the United States government.
 - (d) Is in the sole name of the department.
 - (e) Has a maturity date of not less than 1 year.
 - (f) Is renewed not later than 60 days before the maturity date.
- (20) "Certified health department" means a city, county, or district department of health certified under section 11507a.
- (21) "Chemical recycling" means a manufacturing process for the conversion of source separated post-use polymers into basic raw materials, feedstocks, chemicals, and other products through processes that include pyrolysis (catalytic and noncatalytic), gasification, depolymerization, hydrogenation, solvolysis, and other similar chemical technologies. The recycled products produced include, but are not limited to, monomers, oligomers, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and adhesives. For the purposes of part 115, chemical recycling does not include incineration of plastics, waste-to-energy processes, or activities performed at a facility excluded from the definition of materials management facility by section 11504(25). Products sold as fuel are not recycled products. For purposes of part 115, chemical recycling is not solid waste management, solid waste processing, waste diversion, resource recovery, municipal solid waste incineration or combustion, the conversion of waste to energy, or identification, separation, or sorting of recyclable materials through mechanical processes.
- (22) "Chemical recycling facility" means a manufacturing facility that receives, stores, and, using chemical recycling, converts post-use polymers. A chemical recycling facility is a manufacturing facility subject to applicable requirements of this act and rules promulgated under this act concerning air, water, waste, and land use or any other applicable regulation. A chemical recycling facility is not a solid waste processing plant, solid waste transfer facility, waste diversion center, resource recovery facility, or municipal solid waste incinerator.
- (23) "Class 1 compostable material" means any of the following:
 - (a) Yard waste.
 - (b) Wood.
 - (c) Food waste.
 - (d) Paper products.
 - (e) Manure or animal bedding.
 - (f) Anaerobic digester digestate that does not contain free liquids.
 - (g) Compostable products.
 - (h) Dead animals unless infectious or managed under 1982 PA 239, MCL 287.651 to 287.683.
 - (i) Spent grain from breweries.
 - (j) Paunch.
 - (k) Food processing residuals.

- (l) Aquatic plants.
- (m) Any other material, including, but not limited to, fat, oil, or grease, that the department classifies as class 1 compostable material under section 11562 or that is approved as part of a large composting facility operations plan.
- (n) A mixture of any of these materials.
- (24) "Class 1 composting facility" means a composting facility where only class 1 compostable material is composted.
- (25) "Class 2 compostable material" means mixed municipal solid waste, biosolids, state or federal controlled substances, and all other compostable material that is not listed or approved as a class 1 compostable material.
- (26) "Class 2 composting facility" means a composting facility where class 2 compostable material or a combination of class 2 compostable material and class 1 compostable material is composted.
- (27) "Coal ash", subject to subsection (28), means any of the following:
 - (a) Material recovered from systems for the control of air pollution from, or the noncombusted residue remaining after, the combustion of coal or coal coke, including, but not limited to, coal bottom ash, fly ash, boiler slag, flue gas desulfurization materials, or fluidized-bed combustion ash.
 - (b) Residuals removed from coal ash impoundments.
- (28) For beneficial use 2, coal ash does not include coal fly ash except for the following if used at nonresidential property:
 - (a) Class C fly ash under ASTM C618-12A, "Standard Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use in Concrete", by ASTM International.
 - (b) Class F fly ash under ASTM C618-12A, if that fly ash forms a pozzolanic-stabilized mixture by being blended with lime, Portland cement, or cement kiln dust.
 - (c) A combination of class C fly ash and class F fly ash under ASTM C618-12A if that combination forms a pozzolanic-stabilized mixture by being blended with lime, Portland cement, or cement kiln dust and is used as a road base, soil stabilizer, or road shoulder material under beneficial use 2.
- (29) "Coal ash impoundment" means a natural topographic depression, man-made excavation, or diked area that is designed to hold and, after October 14, 2015, accepted an accumulation of coal ash and liquids or other materials approved by the department for treatment, storage, or disposal and did not receive department approval of its closure. A coal ash impoundment in existence before October 14, 2015 that receives waste after December 28, 2018, and that does not have a permit pursuant to part 31, is considered an open dump beginning December 28, 2020 unless the owner or operator has completed closure of the coal ash impoundment under section 11519b or obtained an operating license for the coal ash impoundment. Coal ash impoundment includes an existing coal ash impoundment.
- (30) "Coal ash landfill" means a landfill that is used for the disposal of coal ash and may also be used for the disposal of inert materials and construction material used for purposes of meeting the definition of beneficial use 4, or other materials approved by the department.
- (31) "Coal bottom ash" means ash particles from the combustion of coal that are too large to be carried in flue gases and that collect on furnace walls or at the bottom of the furnace.
- (32) "Collection center" means a tract of land, building, unit, or appurtenance or combination thereof that is used to collect junk motor vehicles and farm implements under section 11530.
- (33) "Commercial waste", subject to subsection (34), means solid waste generated by nonmanufacturing activities, including, but not limited to, solid waste from any of the following:
 - (a) Stores.
 - (b) Offices.
 - (c) Restaurants.
 - (d) Warehouses.
 - (e) Multifamily dwellings.
 - (f) Hotels and motels.
 - (g) Bunkhouses.
 - (h) Ranger stations.
 - (i) Crew quarters.
 - (j) Campgrounds.
 - (k) Picnic grounds.
 - (l) Day use recreation areas.
 - (m) Hospitals.
 - (n) Schools.
- (34) Commercial waste does not include household waste, hazardous waste, or industrial waste.
- (35) "Compost additive" means any of the following materials if added to finished compost to improve the quality of the finished compost:
 - (a) Products designed to enhance finished compost.
 - (b) Sugar beet limes.
 - (c) Wood ash.

- (d) Drywall.
- (e) Synthetic gypsum.
- (f) Other materials approved by the department.

(36) "Compostable material" means organic material that can be converted to finished compost. Compostable material comprises class 1 compostable material and class 2 compostable material.

(37) "Compostable products" means utensils, food service containers, and other packaging and products that are certified by the Biodegradable Products Institute or an equivalent, recognized, third-party, independent verification body, as meeting either of the following requirements:

(a) ASTM D6400, "Standard Specification for Labeling of Plastics Designed to Be Aerobically Composted in Municipal or Industrial Facilities", by ASTM International.

(b) ASTM D6868, "Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to Be Aerobically Composted in Municipal or Industrial Facilities", by ASTM International.

(38) "Composting" means a process of biological decomposition of class 1 compostable material or class 2 compostable material that meets the following requirements:

(a) Is carried out as provided in either of the following:

(i) In a system using vermiculture.

(ii) Under controlled aerobic conditions using mechanical handling techniques such as physical turning, windrowing, or aeration or using other management techniques approved by the department. For the purposes of this subparagraph, aerobic conditions may include the presence of insignificant anaerobic zones within the composting material.

(b) Stabilizes the organic fraction into a material that can be stored, handled, and used easily, safely, and in an environmentally acceptable manner.

(39) "Composting facility" means a facility where composting occurs. However, composting facility does not include a site where only composting described in section 11555(1)(a), (b), or (e) occurs.

(40) "Consistency review" means evaluation of the administrative and technical components of an application for a permit or license or evaluation of operating conditions in the course of inspection, for the purpose of determining consistency with the requirements of part 115 and approved plans and specifications.

(41) "Corrective action" means the investigation, assessment, cleanup, removal, containment, isolation, treatment, or monitoring of constituents, as defined in a materials management facility's approved hydrogeological monitoring plan, released into the environment from a materials management facility, or the taking of other actions related to the release as may be necessary to prevent, minimize, or mitigate injury to the public health, safety, or welfare, the environment, or natural resources that is consistent with subtitle D of the solid waste disposal act, 42 USC 6941 to 6949a, and regulations promulgated thereunder.

(42) "County approval agency" or "CAA" means the county board of commissioners, the municipalities in the county, or the regional planning agency, whichever submits a notice of intent to prepare a materials management plan under section 11571.

(43) "County board of commissioners" means the county board of commissioners or the elected county executive, as appropriate.

(44) "Custodial care" includes all of the following:

(a) Preventing deep-rooted vegetation from establishing on the final cover.

(b) Repairing erosion damage on the final cover.

(c) Maintaining stormwater controls.

(d) Maintaining limited access to the site.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 1996, Act 359, Imd. Eff. July 1, 1996 ;-- Am. 2004, Act 35, Imd. Eff. Mar. 19, 2004 ;-- Am. 2007, Act 212, Eff. Mar. 26, 2008 ;-- Am. 2014, Act 178, Eff. Sept. 16, 2014 ;-- Am. 2018, Act 640, Imd. Eff. Dec. 28, 2018 ;-- Am. 2022, Act 243, Eff. Mar. 29, 2023

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324.11503 Definitions; D to G.

Sec. 11503.

(1) "De minimis" refers to a small amount of material or number of items, as applicable, incidentally commingled with inert material for beneficial use by-products or with source separated material or incidentally disposed of with other solid waste.

(2) "Department", subject to section 11554, means the department of environment, Great Lakes, and energy.

(3) "Depolymerization" means a manufacturing process in which post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, or coatings.

(4) "Designated planning agency" or "DPA" means the planning agency designated under section 11571(10). Designated planning agency does not mean a regional planning agency unless the county approval agency identifies the regional planning agency as the DPA.

(5) "Director" means the director of the department.

(6) "Discharge" includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a substance into the environment that is or may become injurious to the environment, natural resources, or the public health, safety, or welfare.

(7) "Disposal area", subject to section 11555(6), means 1 or more of the following that accepts solid waste at a location as defined by the boundary identified in its construction permit, in engineering plans approved by the department, or in a notification or registration:

(a) A solid waste processing and transfer facility.

(b) A municipal solid waste incinerator.

(c) A landfill.

(d) A coal ash impoundment.

(e) Any other solid waste handling or disposal facility utilized in the disposal of solid waste, as determined by the department.

(8) "Diverted waste" means waste that meets all of the following requirements:

(a) Is generated by households, businesses, or governmental entities.

(b) Can lawfully be disposed of at a licensed landfill or municipal solid waste incinerator.

(c) Is separated from other waste.

(d) Is 1 or more of the following:

(i) Hazardous material.

(ii) Liquid waste.

(iii) Pharmaceuticals.

(iv) Electronics.

(v) Batteries.

(vi) Light bulbs.

(vii) Pesticides.

(viii) Thermostats, switches, thermometers, or other devices that contain elemental mercury.

(ix) Sharps.

(x) Other waste approved by the department that can be readily separated from solid waste for diversion to preferred methods of management and disposal.

(9) "Enforceable mechanism" means a legal method that authorizes this state, a county, a municipality, or another person to take action to guarantee compliance with a materials management plan. Enforceable mechanisms include agreements, laws, ordinances, rules, and regulations.

(10) "EPA" means the United States Environmental Protection Agency.

(11) "Escrow account" means an account that is managed by a bank or other financial institution whose account operations are regulated and examined by a federal or state agency and that complies with section 11523b.

(12) "Existing coal ash impoundment" means a coal ash impoundment that received coal ash before December 28, 2018, and that, as of that date, had not initiated elements of closure that include dewatering, stabilizing residuals, or placement of an engineered cover or otherwise closed pursuant to its part 31 permit or pursuant to R 299.4309 of the MAC and, therefore, is capable of receiving coal ash in the future. A coal ash impoundment that has initiated closure is considered an open dump unless the owner or operator has completed closure of the coal ash impoundment under section 11519b or obtained an operating license for the coal ash impoundment by December 28, 2020.

(13) "Existing coal ash landfill" means a coal ash landfill to which either of the following applies:

(a) The landfill received coal ash both before and after October 19, 2015.

(b) Construction of the landfill commenced before October 19, 2015, and the landfill received coal ash on or after October 19, 2015. For the purposes of this subdivision, construction of a landfill commenced before October 19, 2015 if both of the following requirements were met before that date:

(i) The owner or operator obtained the federal, state, and local approvals or permits necessary to begin physical construction.

(ii) A continuous, on-site physical construction program began.

(14) "Existing disposal area" means any of the following:

- (a) A disposal area that has in effect a construction permit under this part.
- (b) A disposal area that had engineering plans approved by the director before January 11, 1979.
- (c) An industrial waste landfill that was authorized to operate by the director or by court order before October 9, 1993.
- (d) An industrial waste pile that was located at the site of generation on October 9, 1993.
- (e) An existing coal ash impoundment.
- (15) "Existing landfill unit" or "existing unit" means any landfill unit that received solid waste on or before October 9, 1993.
- (16) "Farm" means that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.
- (17) "Farm operation" means that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.
- (18) "Fats, oils, or greases" means organic polar compounds that meet all of the following requirements:
 - (a) Contain multiple carbon chain triglyceride molecules.
 - (b) Are derived from animal or plant sources.
 - (c) Are generated at food manufacturing and food service establishments.
 - (d) Are generated by-products from food preparation activities.
- (19) "Financial assurance" means the mechanisms used to demonstrate that the funds necessary to meet the cost of closure, postclosure maintenance and monitoring, and corrective action will be available to the department whenever they are needed for those purposes.
- (20) "Financial test" means a corporate or local government financial test or guarantee approved under subtitle D of the solid waste disposal act, 42 USC 6941 to 6949a and regulations promulgated thereunder. An owner or operator may use a single financial test for more than 1 facility. Information submitted to the department to document compliance with the financial test shall include a list showing the name and address of each facility and the amount of funds assured by the financial test for each facility. For purposes of the financial test, the owner or operator shall aggregate the sum of the closure, postclosure, and corrective action costs it seeks to assure with any other environmental obligations assured by a financial test under state or federal law.
- (21) "Finished compost" means organic matter that meets all of the following requirements:
 - (a) Has undergone biological decomposition and has been stabilized to a degree that is beneficial to plant growth without creating a nuisance.
 - (b) Is used or sold for use as a soil amendment, fertilizer, topsoil blend, growing medium amendment, or other similar use.
 - (c) With any compost additives, does not contain more than 1%, by weight, of foreign matter that will remain on a 4-millimeter screen or more than a de minimis amount of viable weed seeds.
- (22) "Flue gas desulfurization material" means the material recovered from air pollution control systems that capture sulfur dioxide from the combustion of wood, coal, or fossil fuels, or other combustible materials, if the other combustible materials constitute less than 50% by weight of the total material combusted and the department determines in writing that the other combustible materials do not materially affect the character of the residue. Flue gas desulfurization material includes synthetic gypsum.
- (23) "Food processing residuals" means any of the following:
 - (a) Residuals of fruits, vegetables, aquatic plants, or field crops, including such residuals generated by a brewery or distillery.
 - (b) Otherwise unusable parts of fruits, vegetables, aquatic plants, or field crops from the processing thereof.
 - (c) Otherwise unusable food products that do not meet size, quality, or other product specifications and that were intended for human or animal consumption.
- (24) "Food waste" means an accumulation of animal or vegetable matter that was used or intended for human or animal food or that results from the preparation, use, cooking, dealing in, or storing of animal or vegetable matter for human or animal food if the accumulation is or is intended to be discarded. Food waste does not include fats, oils, or greases.
- (25) "Foreign matter" means organic and inorganic constituents, other than sticks and stones, that will not readily decompose during composting and do not aid in producing compost, including glass, textiles, rubber, metal, ceramics, noncompostable plastic, and painted, laminated, or treated wood.
- (26) "Foundry sand" means silica sand used in the metal casting process, including binding material or carbonaceous additives, from ferrous or nonferrous foundries.
- (27) "Functional stability" means the stage at which a landfill does not pose a significant risk to the environment, natural resources, or the public health, safety, or welfare at a point of exposure, in the absence of active control systems.
- (28) "GAAMPS" means generally accepted agricultural and management practices under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.
- (29) "Gasification" means a manufacturing process in which post-use polymers are heated in an oxygen-controlled atmosphere and converted to syngas (carbon monoxide (CO) and hydrogen (H₂)) and the syngas is

converted into valuable raw materials or intermediate or final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, coatings, and plastic and chemical feedstocks.

(30) "General permit" means a permit that does both of the following:

(a) Covers a category of activities that the department determines will not negatively impact public health, safety, or welfare and will not have more than minimal short-term adverse impacts on the environment or natural resources.

(b) Includes requirements for a site plan, an operations plan, a facility final closure plan, and financial assurance.

(31) "General use compost" means finished compost that is produced from 1 of the following:

(a) Class 1 compostable material.

(b) Class 2 compostable material, including any combination of class 1 compostable material and class 2 compostable material, that meets the requirements listed in section 11553(5).

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 1996, Act 359, Imd. Eff. July 1, 1996 ;-- Am. 1998, Act 466, Imd. Eff. Jan. 4, 1999 ;-- Am. 2007, Act 212, Eff. Mar. 26, 2008 ;-- Am. 2014, Act 24, Imd. Eff. Mar. 4, 2014 ;-- Am. 2014, Act 178, Eff. Sept. 16, 2014 ;-- Am. 2018, Act 640, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 85, Imd. Eff. May 15, 2020 ;-- Am. 2022, Act 243, Eff. Mar. 29, 2023

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324.11504 Definitions; H to P.

Sec. 11504.

(1) "Hauler" means a person who owns or operates a managed materials transporting unit.

(2) "Host community approval" means an agreement, resolution, letter, or other document indicating that the governing body of the municipality where the materials management facility is proposed to be located has reviewed and approved the development of that specific facility.

(3) "Household waste" means solid waste that is generated from single-family dwellings. Household waste does not include commercial waste, industrial waste, hazardous waste, or construction and demolition waste.

(4) "Hydrogenation" means the chemical reaction between molecular hydrogen and an element or compound, ordinarily in the presence of a catalyst.

(5) "Industrial waste" means solid waste that is generated by manufacturing or industrial processes at an industrial site and that is not a hazardous waste regulated under part 111.

(6) "Industrial waste landfill" means a landfill that is used for the disposal of any of the following, as applicable:

(a) Industrial waste that has been characterized for hazard and that has been determined to be nonhazardous under part 111.

(b) If the landfill is an existing disposal area, nonhazardous solid waste that originates from an industrial site.

(7) "Inert material" means any of the following:

(a) Rock.

(b) Trees, stumps, and other similar land-clearing debris, if all of the following conditions are met:

(i) The debris is buried on the site of origin or another site, with the approval of the owner of the site.

(ii) The debris is not buried in a wetland or floodplain.

(iii) The debris is placed at least 3 feet above the groundwater table as observed at the time of placement.

(iv) The placement of the debris does not violate federal, state, or local law or create a nuisance.

(c) Uncontaminated excavated soil or dredged sediment. Excavated soil or dredged sediment is considered uncontaminated if it does not contain more than de minimis amounts of solid waste and any of the following apply:

(i) The soil or sediment is not contaminated by a hazardous substance as a result of human activity. Soil or sediment that naturally contains elevated levels of hazardous substances above unrestricted residential or any other part 201 generic soil cleanup criteria is not considered contaminated for purposes of this subdivision. A soil or sediment analysis is not required under this subparagraph if, based on past land use, there is no reason to believe that the soil or sediment is contaminated.

(ii) For any hazardous substance that could reasonably be expected to be present as a result of past land use and human activity, the soil or sediment does not exceed the background concentration, as that term is defined in section 20101.

(iii) For any hazardous substance that could reasonably be expected to be present as a result of past land use and human activity, the soil or sediment falls below part 201 generic residential soil direct contact cleanup criteria and

hazardous substances in leachate from the soil or sediment, using, at the option of the generator, EPA method 1311, "Toxicity Characteristic Leaching Procedure", EPA method 1312, "Synthetic Precipitation Leaching Procedure", or any other leaching protocol approved by the department, fall below part 201 generic residential health based groundwater drinking water values or criteria, and the soil or sediment would not cause a violation of any surface water quality standard established under part 31 at the area of placement, disposal, or use.

(d) Excavated soil from a site of environmental contamination, corrective action, or response activity if the soil is not a listed hazardous waste under part 111 and if hazardous substances in the soil do not exceed generic soil cleanup criteria for unrestricted residential use as defined in section 20101 or background concentration as defined in section 20101, as applicable.

(e) Construction brick, masonry, pavement, or broken concrete that is reused for fill, rip rap, slope stabilization, or other construction, if all of the following conditions are met:

(i) The use of the material does not violate section 3108, part 301, or part 303.

(ii) The material is not materially contaminated. Typical surface oil staining on pavement or concrete from driveways, roadways, or parking lots is not material contamination. Material covered in whole or in part with paint that contains more than 0.5% lead is materially contaminated.

(iii) The material does not include exposed reinforcing bars.

(f) Portland cement clinker produced by a cement kiln using wood, fossil fuels, or solid waste as a fuel or feedstock, but not including cement kiln dust generated in the process.

(g) Asphalt pavement or concrete pavement that meets all of the following requirements:

(i) Has been removed from a public right-of-way.

(ii) Has been stockpiled or crushed for reuse as aggregate material.

(iii) Does not include exposed reinforcement bars.

(h) Cuttings, drilling materials, and fluids used to drill or complete a well installed pursuant to part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of the well is not a facility under part 201.

(i) Any material determined by the department under section 11553(5) or (6) to be an inert material, either for general use or for a particular use.

(8) "Innovative technology facility" means a materials management facility that converts solid waste into energy or a usable product and that is not a materials recovery facility, a composting facility, or an anaerobic digester.

(9) "Insurance" means insurance that conforms to the requirements of 40 CFR 258.74(d) and is provided by an insurer that has a certificate of authority from the director of insurance and financial services to sell this line of coverage. An applicant for an operating license or general permit shall submit evidence of the required coverage by submitting both of the following to the department:

(a) A certificate of insurance that uses wording approved by the department.

(b) A certified true and complete copy of the insurance policy.

(10) "Landfill" means a type II landfill or type III landfill.

(11) "Landfill care fund" means a landfill care fund required by section 11525d(2).

(12) "Landfill care fund bond" means a surety bond, an irrevocable letter of credit, or a combination of these instruments in favor of the department used to establish a landfill care fund.

(13) "Large", in reference to a composting facility, means a composting facility to which both of the following apply:

(a) The site at any time contains more than 500 cubic yards of compostable material.

(b) The site does not qualify as a small or medium composting facility.

(14) "Lateral expansion" means a horizontal expansion of the solid waste boundary of any of the following:

(a) A landfill, other than a coal ash landfill, if the expansion is beyond the limit established in a construction permit or engineering plans approved by the department or a certified health department before January 11, 1979.

(b) A coal ash landfill, if either of the following applies:

(i) The expansion is beyond the limit established in a construction permit issued after December 28, 2018.

(ii) The expansion is made after October 19, 2015, and is a horizontal expansion of the outermost boundary, as defined by a construction certification or operating license, of an existing coal ash landfill.

(c) A coal ash impoundment, if the expansion is beyond the limit established in a construction permit or the horizontal limits of coal ash in place on or before October 14, 2015.

(15) "Letter of credit" means an irrevocable letter of credit that complies with 40 CFR 258.74(c).

(16) "License" means an operating license.

(17) "Lime kiln dust" means particulate matter collected in air emission control devices serving lime kilns.

(18) "Local health officer" means a local health officer as defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105, to which the department delegates certain duties under part 115.

(19) "Low-hazard industrial waste" means industrial material that has a low potential for groundwater contamination when managed in compliance with part 115. All of the following materials are low-hazard industrial wastes:

(a) Coal ash and wood ash.

- (b) Cement kiln dust.
- (c) Pulp and paper mill material.
- (d) Scrap wood.
- (e) Sludge from the treatment and conditioning of water for domestic use.
- (f) Residue from the thermal treatment of petroleum contaminated soil, media, or debris.
- (g) Sludge from the treatment and conditioning of water from a community water supply.
- (h) Foundry sand.
- (i) Mixed wood ash, scrap wood ash, and pulp and paper mill ash.
- (j) Street cleanings.
- (k) Asphalt shingles.
- (l) New construction or production scrap drywall.
- (m) Chipped or shredded tires.
- (n) Copper slag.
- (o) Copper stamp sands.
- (p) Dredge material from nonremedial activities.
- (q) Flue gas desulfurization material.
- (r) Dewatered grinding slurry generated from public transportation agency road projects.
- (s) Any material determined by the department under section 11553(7) to be a low-hazard industrial waste.
- (20) "Low-hazard-potential coal ash impoundment" means a coal ash impoundment that is a diked surface impoundment, the failure or mis-operation of which is expected to result in no loss of human life and low economic or environmental losses principally limited to the impoundment owner's property.
- (21) "MAC" means the Michigan Administrative Code.
- (22) "Managed material" means solid waste, diverted waste, or recyclable material. Managed material does not include a material or product that contains iron, steel, or nonferrous metals and that is directed to or received by a scrap processor as defined in section 3 of the scrap metal regulatory act, 2008 PA 429, MCL 445.423, or by a reuser of these metals.
- (23) "Managed materials transporting unit" means a container, which may be an integral part of a truck or other piece of equipment, used for the transportation of managed materials.
- (24) "Materials management facility" or, unless the context implies a different meaning, "facility" means any of the following, subject to subsection (25):
 - (a) A disposal area.
 - (b) A materials utilization facility.
 - (c) A waste diversion center.
- (25) Materials management facility or facility does not include a person, utilizing machinery and equipment and operating from a fixed location, whose principal business is the processing and manufacturing of iron, steel, or nonferrous metals into prepared grades of products suitable for consumption, reuse, or additional processing.
- (26) "Materials management goals" means goals identified in the MMP pursuant to section 11578(1)(a).
- (27) "Materials management plan" or "MMP" means a plan required under section 11571.
- (28) "Materials recovery facility", subject to subsection (29), means a facility that meets both of the following requirements:
 - (a) Receives primarily source separated material and sorts, bales, or processes the source separated material for reuse, recycling, or utilization as a raw material or new product.
 - (b) On an annual basis, does not receive an amount of solid waste equal to or more than 15% of the total weight of material received by the facility unless the materials recovery facility is making reasonable effort and has an education program to reduce the amount of solid waste. Material disposed of as a result of recycling market fluctuations is not included in the 15% calculation.
- (29) Materials recovery facility does not include any of the following:
 - (a) A retail, commercial, or industrial establishment that bales for off-site shipment managed material that it generates.
 - (b) A retail establishment that collects returnable beverage containers under 1976 IL 1, MCL 445.571 to 445.576.
 - (c) A beverage distributor, or its agent, that manages returnable beverage containers under 1976 IL 1, MCL 445.571 to 445.576.
 - (d) A facility or area used for reuse, recycling, or storage of recyclable materials solely generated by an industrial facility.
 - (e) A facility that is an end user or secondary processor and that uses as fuel or otherwise, processes, or stores material generated by industrial facilities.
 - (f) A facility that primarily manages material that was previously sorted or processed.
 - (g) An anaerobic digester.
- (30) "Materials utilization" means recycling, composting, or converting material into energy rather than disposing of the material.

- (31) "Materials utilization facility" means a facility that is any of the following:
- (a) A materials recovery facility.
 - (b) A composting facility.
 - (c) An anaerobic digester, except at a manufacturing facility that generates its own feedstock.
 - (d) An innovative technology facility.
- (32) "Medical waste" means that term as it is defined in section 13805 of the public health code, 1978 PA 368, MCL 333.13805.
- (33) "Medium", in reference to a composting facility, means a composting facility to which all of the following apply:
- (a) The site at any time contains more than 500 cubic yards of compostable material.
 - (b) The site does not qualify as a small composting facility.
 - (c) The site does not at any time contain more than 10,000 cubic yards of compostable material.
 - (d) The site does not at any time contain more than 10% by volume of class 1 compostable material other than yard waste.
 - (e) Unless approved by the department, the site does not at any time on any acre contain more than 5,000 cubic yards of compostable material, finished product, compost additives, or screening rejects.
- (34) "Mixed wood ash" means the material recovered from air pollution control systems for, or the noncombusted residue remaining after, the combustion of any combination of wood, scrap wood, railroad ties, or tires, if railroad ties composed less than 35% by weight of the total combusted material and tires composed less than 10% by weight of the total combusted material.
- (35) "Municipal solid waste" means household waste, commercial waste, waste generated by other nonindustrial locations, waste that has characteristics similar to that generated at a household or commercial business, or any combination thereof. Municipal solid waste does not include municipal wastewater treatment sludges, industrial process wastes, automobile bodies, combustion ash, or construction and demolition debris.
- (36) "Municipal solid waste incinerator" means an incinerator that is owned or operated by any person, and that meets all of the following requirements:
- (a) The incinerator receives solid waste from off site and burns only waste from single-family and multifamily dwellings, hotels, motels, and other residential sources, or such waste together with solid waste from commercial, institutional, municipal, county, or industrial sources that, if disposed of, would not be required to be placed in a disposal facility licensed under part 111.
 - (b) The incinerator has established contractual requirements or other notification or inspection procedures sufficient to ensure that the incinerator receives and burns only waste referred to in subdivision (a).
 - (c) The incinerator meets the requirements of part 115.
 - (d) The incinerator is not an industrial furnace as defined in 40 CFR 260.10.
 - (e) The incinerator is not an incinerator that receives and burns only medical waste or only waste produced at 1 or more hospitals.
- (37) "Municipal solid waste incinerator ash" means the substances remaining after combustion in a municipal solid waste incinerator.
- (38) "Municipal solid waste recycling rate" means the amount of municipal solid waste recycled or composted, divided by the amount of municipal solid waste recycled, composted, landfilled, or incinerated.
- (39) "New coal ash impoundment" means a coal ash impoundment that first receives coal ash after December 28, 2018.
- (40) "New disposal area" means a disposal area that requires a construction permit under this part and includes all of the following:
- (a) A disposal area, other than an existing disposal area, that is proposed for construction.
 - (b) For a landfill, a lateral expansion, vertical expansion, or other expansion that results in an increase in the landfill's design capacity.
 - (c) A new coal ash impoundment, or a lateral expansion of a coal ash impoundment beyond the placement of waste as of October 14, 2015.
 - (d) For a disposal area other than a landfill or coal ash impoundment, an enlargement in capacity beyond that indicated in the construction permit or in engineering plans approved before January 11, 1979.
 - (e) For any existing disposal area, an alteration of the disposal area to a different disposal area type than was specified in the previous construction permit application or in engineering plans that were approved by the director or his or her designee before January 11, 1979.
- (41) "Nonresidential property" means property not used or intended to be used for any of the following:
- (a) A child day care center.
 - (b) An elementary school.
 - (c) An elder care and assisted living center.
 - (d) A nursing home.
 - (e) A single-family or multifamily dwelling unless the dwelling is part of a mixed use development and all dwelling units and associated outdoor residential use areas are located above the ground floor.

- (42) "Operate" includes, but is not limited to, conducting, managing, and maintaining.
- (43) "Part 115" means this part and rules promulgated under this part.
- (44) "Perpetual care fund" means a trust fund, escrow account, or perpetual care fund bond required by section 11525(2).
- (45) "Perpetual care fund bond" means a surety bond, an irrevocable letter of credit, or a combination of these instruments in favor of the department used to establish a perpetual care fund.
- (46) "Planning area" means the geographic area to which a materials management plan applies.
- (47) "Planning committee" means a committee appointed under section 11572.
- (48) "Post-use polymer" means a plastic to which all of the following apply:
- (a) It has been source separated.
 - (b) It has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste.
 - (c) It is not mixed with solid waste or hazardous waste on-site or during conversion at a chemical recycling facility.
 - (d) It is converted at a chemical recycling facility or, subject to applicable speculative accumulation time frames, stored at a chemical recycling facility before conversion.
- (49) "Preexisting unit" means a landfill unit that is or was licensed under part 115 but has not received waste after October 9, 1993.
- (50) "Pulp and paper mill ash" means the material recovered from air pollution control systems for, or the noncombusted residue remaining after, the combustion of any combination of coal, wood, pulp and paper mill material, wood or biomass fuel pellets, scrap wood, railroad ties, or tires, in a boiler, power plant, or furnace at a pulp and paper mill, if railroad ties composed less than 35% by weight of the total combusted material and tires composed less than 10% by weight of the total combusted material.
- (51) "Pulp and paper mill material" means all of the following materials if generated at a facility that produces pulp or paper:
- (a) Wastewater treatment sludge, including wood fibers, minerals, and microbial biomass.
 - (b) Rejects from screens, cleaners, and mills.
 - (c) Bark, wood fiber, and chips.
 - (d) Scrap paper.
 - (e) Causticizing residues, including lime mud and grit and green liquor dregs.
 - (f) Any material that the department determines has characteristics that are similar to any of the materials listed in subdivisions (a) to (e).
- (52) "Pyrolysis" means a manufacturing process in which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then are cooled, condensed, and converted into valuable raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, and plastic and chemical feedstocks that have economic utility as raw materials and products.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 1996, Act 359, Imd. Eff. July 1, 1996 ;-- Am. 2013, Act 250, Imd. Eff. Dec. 26, 2013 ;-- Am. 2014, Act 178, Eff. Sept. 16, 2014 ;-- Am. 2018, Act 640, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 85, Imd. Eff. May 15, 2020 ;-- Am. 2022, Act 244, Eff. Mar. 29, 2023

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Solid Waste Act

324.11505 Definitions; R, S.

Sec. 11505.

- (1) "RDDP" means a research, development, and demonstration project for a new or existing type II landfill unit or for a lateral expansion of a type II landfill unit.
- (2) "Recyclable materials" means glass, metal, plastics, paper products, wood, rubber, textiles, food waste, yard clippings, and other materials that may be recycled or composted.
- (3) "Recycling" means any process applied to materials that are no longer being used and that would have otherwise been disposed as waste, for the purpose of converting the materials into raw materials or intermediate or new products.
- (4) "Regional planning agency" means the regional solid waste planning agency designated by the governor

pursuant to section 4006 of subtitle D of the solid waste disposal act, 42 USC 6946.

(5) "Resource recovery facility" means machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream.

(6) "Response activity" means an activity that is necessary to protect the environment, natural resources, or the public health, safety, or welfare, and includes, but is not limited to, evaluation, cleanup, removal, containment, isolation, treatment, monitoring, maintenance, replacement of water supplies, and temporary relocation of people.

(7) "Restricted use compost" means compost that is produced from class 2 compostable material, including any combination of class 1 compostable material and class 2 compostable material, that is not approved as inert under section 11553(5).

(8) "Reuse" means to remanufacture, use again, use in a different manner, or use after reclamation.

(9) "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard waste, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the environment, natural resources, or the public health, safety, or welfare.

(10) "Salvaging" means the lawful and controlled removal of reusable materials from solid waste.

(11) "Scrap wood" means wood or wood product that is 1 or more of the following:

(a) Plywood, particle board, pressed board, oriented strand board, fiberboard, resonated wood, or any other wood or wood product mixed with glue, resins, or filler.

(b) Wood or wood product treated with creosote or pentachlorophenol.

(c) Any wood or wood product designated as scrap wood in rules promulgated by the department.

(12) "Sharps" means that term as defined in section 13807 of the public health code, 1978 PA 368, MCL 333.13807.

(13) "Slag" means the nonmetallic product resulting from melting or smelting operations for iron or steel.

(14) "Small", in reference to a composting facility, means a composting facility to which both of the following apply:

(a) The site at any time contains more than 500 cubic yards of compostable material but does not at any time contain 1,000 or more cubic yards of compostable material.

(b) The site does not at any time contain 5% or more by volume of class 1 compostable material other than yard waste.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 2007, Act 212, Eff. Mar. 26, 2008 ;-- Am. 2014, Act 24, Imd. Eff. Mar. 4, 2014 ;-- Am. 2014, Act 178, Eff. Sept. 16, 2014 ;-- Am. 2018, Act 640, Imd. Eff. Dec. 28, 2018 ;-- Am. 2022, Act 244, Eff. Mar. 29, 2023

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Solid Waste Act

324.11506 Definitions; S to Y.

Sec. 11506.

(1) "Solid waste" means food waste, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial waste, solid industrial waste, and animal waste. However, solid waste does not include any of the following:

(a) Human body waste.

(b) Medical waste.

(c) Manure or animal bedding generated in the production of livestock and poultry, if managed in compliance with the appropriate GAAMPS.

(d) Liquid waste.

(e) Scrap metal, as defined in section 3 of the scrap metal regulatory act, 2008 PA 429, MCL 445.423, directed to a scrap processor as defined in that section or to a reuser of scrap metal.

(f) Slag or slag products directed to a slag processor or to a reuser of slag or slag products.

(g) Sludges and ashes managed as recycled or nondetrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the department.

(h) The following materials that are used as animal feed, or are applied on, or are composted and applied on, farmland or forestland for an agricultural or silvicultural purpose at an agronomic rate consistent with GAAMPS:

- (i) Food processing residuals and food waste.
- (ii) Precipitated calcium carbonate from sugar beet processing.
- (iii) Wood ashes resulting solely from a source that burns only wood that is untreated and inert.
- (iv) Lime from kraft pulping processes generated before bleaching.
- (v) Aquatic plants.
- (i) Materials approved for emergency disposal by the department.
- (j) Source separated materials.
- (k) Coal ash, when used under any of the following circumstances:
 - (i) As a component of concrete, grout, mortar, or casting molds, if the coal ash does not have more than 6% unburned carbon.
 - (ii) As a raw material in asphalt for road construction, if the coal ash does not have more than 12% unburned carbon and passes Michigan test method for water asphalt preferential test, MTM 101, as set forth in the state transportation department's manual for the Michigan test methods (MTM).
 - (iii) As aggregate, road material, or building material that in ultimate use is or will be stabilized or bonded by cement, limes, or asphalt, or itself act as a bonding agent. To be considered to act as a bonding agent, the coal ash must have at least 10% available lime.
 - (iv) As a road base or construction fill that is placed at least 4 feet above the seasonal groundwater table and covered with asphalt, concrete, or other material approved by the department.
- (l) Inert material.
- (m) Soil that is washed or otherwise removed from sugar beets, has not more than 55% moisture content, and is registered as a soil conditioner under part 85. Any testing required to become registered under part 85 is the responsibility of the generator.
- (n) Soil that is relocated under section 20120c.
- (o) Diverted waste that is managed through a waste diversion center.
- (p) Beneficial use by-products.
- (q) Coal bottom ash, if substantially free of fly ash or economizer ash, when used as cold weather road abrasive.
- (r) Stamp sands when used as cold weather road abrasive in the Upper Peninsula by any of the following:
 - (i) A public road agency.
 - (ii) Any other person pursuant to a plan approved by a public road agency.
 - (s) Any material that is reclaimed or reused in the process that generated it.
 - (t) Any secondary material that, as specified in or determined pursuant to 40 CFR part 241, is not a solid waste when combusted.
 - (u) Post-use polymers.
 - (v) Other wastes regulated by statute.
- (2) "Solid waste management fund" means the solid waste management fund created in section 11550.
- (3) "Solid waste processing and transfer facility" means a tract of land, a building or unit and any appurtenances of a building or unit, a container, or any combination of these that is used or intended for use in the handling, storage, transfer, or processing of solid waste, and is not located at the site of generation or the site of disposal of the solid waste.
- (4) "Solvolysis" means a manufacturing process in which post-use polymers are purified with the aid of solvents, while heated at low temperatures or pressurized, or both, to make useful products while allowing additives and contaminants to be removed. The products of solvolysis include, but are not limited to, monomers, intermediates, and valuable chemicals and raw materials. Solvolysis includes, but is not limited to, the following:
 - (a) Hydrolysis.
 - (b) Aminolysis.
 - (c) Ammonolysis.
 - (d) Methanolysis.
 - (e) Glycolysis.
- (5) "Source reduction" means any practice that reduces or eliminates the generation of waste at the source.
- (6) "Source separated material" means any of the following materials if separated at the source of generation or at a materials management facility that complies with part 115 and if not speculatively accumulated:
 - (a) Glass, metal, wood, paper products, plastics, rubber, textiles, food waste, electronics, latex paint, yard waste, or any other material approved by the department that is used for conversion into raw materials or intermediate or new products. For the purposes of this subdivision, raw materials or intermediate or new products include, but are not limited to, compost, biogas from anaerobic digestion, synthesis gas from gasification or pyrolysis, or other fuel. This subdivision does not prohibit material from being classified as a renewable energy resource as defined in section 11 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1011.
 - (b) Scrap wood and railroad ties used to fuel an industrial boiler, kiln, power plant, or furnace, subject to part 55, for production of new wood products, or for other uses approved by the department.
 - (c) Chipped or whole tires used to fuel an industrial boiler, kiln, power plant, or furnace, subject to part 55, or for other uses approved by the department. This subdivision does not prohibit material from being classified as a

renewable energy resource as defined in section 11 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1011.

(d) Recovered paint solids if used to fuel an industrial boiler, kiln, power plant, gasification plant, or furnace, subject to part 55; if bonded with cement or asphalt; or if used for other uses approved by the department.

(e) Gypsum drywall generated from the production of wallboard used for stock returned to the production process or for other uses approved by the department.

(f) Flue gas desulfurization gypsum used for production of cement or wallboard or other uses approved by the department.

(g) Asphalt shingles that meet both of the following requirements:

(i) Do not contain asbestos, rolled roofing, wood, nails, or tar paper.

(ii) Are used as described in any of the following:

(A) As a component in hot mix asphalt, warm mix asphalt, or cold patch asphalt.

(B) To fuel an industrial boiler, kiln, power plant, or furnace, subject to part 55.

(C) Mixed with recycled asphalt pavement at a maximum of 1 to 1 ratio by volume to produce a base that is covered by concrete or asphalt paving.

(D) Other uses approved by the department.

(h) Municipal solid waste incinerator ash that meets criteria specified by the department and that is used as daily cover at a disposal facility licensed pursuant to part 115.

(i) Utility poles or pole segments reused as poles, posts, or similar uses approved by the department in writing.

(j) Railroad ties reused in landscaping, embankments, or similar uses approved by the department in writing.

(k) Any materials and uses approved by the department under section 11553(8).

(l) Leaves that are ground or mixed with ground wood and sold as mulch for landscaping purposes if the volumes so managed are reported to the department in the manner provided in section 11560.

(m) Any material determined by the department in writing before September 16, 2014 to be a source separated material.

(n) Yard waste that is land applied on a farm in a manner consistent with GAAMPS.

(o) Yard waste, class 1 compostable material, and class 2 compostable material that are delivered to an anaerobic digester authorized by the department under part 115 to receive the material.

(p) Recyclable materials.

(7) "Stamp sands" means finely grained crushed rock resulting from mining, milling, or smelting of copper ore and includes native substances contained within the crushed rock and any ancillary material associated with the crushed rock.

(8) "Treated wood" means wood or wood product that has been treated with 1 or more of the following:

(a) Chromated copper arsenate (CCA).

(b) Ammoniacal copper quat (ACQ).

(c) Ammoniacal copper zinc arsenate (ACZA).

(d) Any other chemical designated in rules promulgated by the department.

(9) "Trust fund" means a fund held by a trustee who has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(10) "Type I public water supply", "type IIa public water supply", "type IIb public water supply", and "type III public water supply" mean those terms, respectively, as described in R 325.10502 of the MAC.

(11) "Type II landfill" means a landfill that receives household waste or municipal solid waste incinerator ash, or both, and that may also receive other types of solid waste, such as any of the following:

(a) Construction and demolition waste.

(b) Sewage sludge.

(c) Commercial waste.

(d) Nonhazardous sludge.

(e) Hazardous waste from conditionally exempt small quantity generators.

(f) Industrial waste.

(12) "Type III landfill" means a landfill that is not a type II landfill or hazardous waste landfill. Type III landfill includes all of the following:

(a) A construction and demolition waste landfill.

(b) An industrial waste landfill.

(c) A low hazard industrial waste landfill.

(d) A surface impoundment authorized as an industrial waste landfill.

(e) A landfill that accepts only waste other than household waste, municipal solid waste incinerator ash, or hazardous waste from conditionally exempt small quantity generators.

(f) A coal ash landfill.

(g) Any coal ash impoundment, including, but not limited to, the following:

(i) An existing coal ash impoundment that is closed as a landfill pursuant to R 299.4309 of the MAC.

(ii) An existing coal ash impoundment where coal ash will remain after closure and that will be closed as a landfill

pursuant to R 299.4309 of the MAC.

(13) "Vermiculture" means the controlled and managed process by which live worms degrade organic materials into worm castings or worm humus.

(14) "Waste diversion center" means property or a building, or a portion of property or a building, designated for the purpose of receiving or collecting diverted wastes and not used for residential purposes.

(15) "Wood" means trees, branches and associated leaves, bark, lumber, pallets, wood chips, sawdust, or other wood or wood product but does not include scrap wood, treated wood, painted wood or painted wood product, or any wood or wood product that has been contaminated during manufacture or use.

(16) "Wood ash" means any type of ash or slag resulting from the burning of wood.

(17) "Yard waste" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost. Yard waste does not include stumps, agricultural wastes, animal waste, roots, sewage sludge, Christmas trees or wreaths, food waste, or screened finished compost made from yard waste.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 1995, Act 65, Imd. Eff. May 31, 1995 ;-- Am. 1996, Act 392, Imd. Eff. Oct. 3, 1996 ;-- Am. 1998, Act 466, Imd. Eff. Jan. 4, 1999 ;-- Am. 2007, Act 212, Eff. Mar. 26, 2008 ;-- Am. 2010, Act 345, Imd. Eff. Dec. 21, 2010 ;-- Am. 2012, Act 446, Imd. Eff. Dec. 27, 2012 ;-- Am. 2014, Act 24, Imd. Eff. Mar. 4, 2014 ;-- Am. 2014, Act 178, Eff. Sept. 16, 2014 ;-- Am. 2018, Act 615, Eff. Mar. 28, 2019 ;-- Am. 2022, Act 244, Eff. Mar. 29, 2023

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Solid Waste Act

324.11507 Recycling and reuse of materials; optimizing recycling opportunities; policies, practices, and benchmark recycling standards; development of methods for disposal of solid waste; construction and administration of Part 115; disposal, storage, or transportation of solid waste; compliance with Part 115.

Sec. 11507.

(1) Optimizing recycling opportunities, including electronics recycling opportunities, and the reuse of materials are a principal objective of this state's solid waste management plan. Recycling and reuse of materials, including the reuse of materials from electronic devices, are in the best interest of the environment, natural resources, and the public health, safety, and welfare. This state should develop policies, practices, and goals that promote recycling and reuse of materials, waste reduction, and pollution prevention and that, to the extent practical, minimize the use of landfilling and municipal solid waste incineration as methods for disposal of waste. Policies and practices that promote recycling and reuse of materials, including materials from electronic devices, result in conservation of raw materials and landfill space and avoid the contamination of soil and groundwater from heavy metals and other pollutants.

(2) It is the goal of this state to achieve through the benchmark recycling standards a 45% municipal solid waste recycling rate and, as an interim step, by 2029, a 30% municipal solid waste recycling rate.

(3) The department and a local health officer shall assist in developing and encouraging methods for the disposal of solid waste that are environmentally sound, that maximize the utilization of valuable resources, and that encourage resource conservation including source reduction and source separation.

(4) Part 115 shall be construed and administered to encourage and facilitate all persons to engage in source separation of material from solid waste, and other environmentally sound measures to prevent materials from entering the waste stream or to remove materials from the waste stream.

(5) A person shall not dispose, store, or transport solid waste in this state unless the person complies with part 115.

(6) Part 115 is intended to encourage the continuation of the private sector in materials management, disposal, and transportation in compliance with part 115. Part 115 is not intended to prohibit salvaging.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 2022, Act 244, Eff. Mar. 29, 2023

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Solid Waste Act

324.11507a Solid waste management program; certification; grounds for rescission of certification.

Sec. 11507a.

Under rules promulgated by the department, the department may certify a city, county, or district health department to perform a solid waste management program or designated activities as prescribed in part 115. The department may rescind certification under either of the following circumstances:

- (a) Upon request of the certified health department.
- (b) After reasonable notice and an opportunity for a hearing if the department finds that the certified health department is not performing the program or designated activities as required.

History: Add. 1996, Act 359, Imd. Eff. July 1, 1996 ;-- Am. 2003, Act 153, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 39, Imd. Eff. Mar. 29, 2004 ;-- Am. 2022, Act 244, Eff. Mar. 29, 2023

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Solid Waste Act

324.11508 Operation of materials management facility; requirements; registration application.

Sec. 11508.

(1) A person shall not operate a materials management facility unless all of the following requirements are met:

(a) The owner or operator has complied with any applicable requirement of part 115 to notify the department, register with the department, obtain an approval from the department under a general permit, or obtain a construction permit and operating license from the department.

(b) The operation is in compliance with the terms of any registration, general permit, construction permit, or operating license issued for the materials management facility under part 115.

(c) Subject to subsection (2)(a) to (c), the facility is consistent with the MMP. This subdivision does not apply to a disposal area described in section 11509(1)(b) or 11513(1).

(2) The department shall deny an application for a registration, for approval under a general permit, or for a construction permit or operating license for a materials management facility unless the department has, under section 11575(9), approved an MMP for the planning area where the facility is located or proposed to be located and the facility is consistent with the MMP, as determined under section 11585. However, all of the following apply:

(a) Before an MMP is initially approved by the department under section 11575(9), the department may issue a construction permit for a solid waste processing and transfer facility or an approval under a general permit or a registration for a materials utilization facility if the county approval agency and the legislative body of the municipality in which the facility is or is proposed to be located have each notified the department in writing that they approve the issuance.

(b) Proposed landfill expansions shall follow the siting process of the existing solid waste management plan until an MMP for the planning area is approved by the department.

(c) Before an MMP for the planning area has been approved by the department, materials utilization facilities that are required to provide a notification or registration to the department under part 115 may be sited under local zoning ordinances.

(3) A notification or application under part 115 for a construction permit, operating license, approval under a general permit, or registration required to operate a materials management facility; a notice of intent to prepare a materials management plan; a bond; a risk pooling financial mechanism; evidence of financial assurance; a request for the reduction of the amount of a financial assurance mechanism; an agreement governing the operation of a perpetual care fund trust fund or escrow account; an application for a grant or loan; or a report or other information required to be submitted to the department under part 115 shall meet all of the following requirements:

- (a) Be on a form and in a medium provided or approved by the department.
- (b) Contain relevant information required by the department.

(c) If an application, be accompanied by any applicable application fee provided for by this part.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 2022, Act 244, Eff. Mar. 29, 2023

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Solid Waste Act